

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PHAROAH V. MORRIS,

Plaintiff,

v.

Case No. 05-C-458

LETITIA LEY, et al,

Defendants.

ORDER

Presently before the court are the plaintiff's request for court assistance in obtaining a legal loan for litigation expenses and a motion for an extension of time to respond to the defendant's motion for summary judgment. Defendants filed their motion for summary judgment on May 30, 2006. An earlier motion for an extension of time was granted on June 15, 2006, allowing the plaintiff an additional 30 days within which to respond. Absent a further extension, plaintiff's response is due on or before August 1, 2006. In support of his request for a further extension, plaintiff states he needs an additional thirty days to respond to the defendants' several affidavits, as well as their brief in support of the motion for summary judgment. He notes that the brief appears to raise complicated issues and that, as a pro se litigant, he needs additional time. He further states that he has been unable to obtain a legal loan and unable to buy the legal supplies necessary to complete the task within the time allowed.

Plaintiff will be given one further extension until September 1, 2006, in which to respond to the defendant's motion for summary judgment. In granting the motion, I am aware that the defendants opposed plaintiff's last request for an extension on the ground that he had previously

been advised how to obtain copies of his medical records and had failed to do so. Nevertheless, I am satisfied that given the limitations placed upon the plaintiff as a result of his confinement, a further extension is not unreasonable. Defendants filed a twenty-eight page brief in support of their motion which is based upon One Hundred and Three separate proposed findings of fact which in turn are supported by twelve affidavits. Defendants are not harmed by allowing plaintiff an additional thirty days to respond.

I also note, however, that the facts upon which defendants' motion is based relate to matters that, for the most part, are within plaintiff's personal knowledge. In other words, although he is not a doctor, he has a reasonable understanding of what, if any, injuries he sustained as a result of the incidents he has alleged. He also has personal knowledge of the specific incidents himself. Thus, it is not overly difficult for plaintiff to point out material issues of fact that remain in dispute and thus warrant further proceedings. Preparing an affidavit identifying such factual disputes does not require unlimited legal resources or significant funds. Plaintiff is, therefore, forewarned that this extension will be his last. Failure to respond to the defendants' motion by September 1, 2006, will result in the court deciding the motion on the record as it now stands. As this court views the case, plaintiff is in need of neither additional time beyond that date, nor further funds in order to respond. Accordingly, the motion for assistance in obtaining a legal loan will be denied, but the motion for an extension of time to respond is granted.

SO ORDERED this 21st day of July, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge